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16 July 1949

Office of the General Counsel

Use of Taxis and Special Conveyances at Overseas Stations.

1. Your memorandum of 21 June 1949, requested our opinion as to whether we may, under existing regulations, reimburse employees for taxi fares incurred in travel between lodgings and place of duty at times when no regular means of conveyance is available, assuming that the operational need for such trips is established. In the particular case at hand, a communications employee established overseas incurred certain taxi fares in traveling from his home to his office on a local holiday when local transportation had been discontinued.

2. In the absence of special regulations stemming from powers of the Director in regard to certain functions peculiar to this Agency, travel of our employees overseas is controlled by the Foreign Service Travel Regulations, and, to the extent that it is not regulated thereby, by the Standard Government Travel Regulations.

3. In the present situation, there is no indication that there is a complete absence of local transportation; it is simply discontinued on holidays. Although it is unfortunate that the employee must pay for a more costly means of transportation out of his own pocket in order to perform his duties, it does not appear that this is a justifiable exception to the usual rule that an employee is required to pay for his normal transportation between his place of lodging and place of duty. It is not authorized under the travel provisions of the Confidential Funds Regulations or the Foreign Service Travel Regulations, nor is it the type of expenditure which can be treated as an emergency. Sec. 10.3 of the Confidential Funds Regulations states that emergency "payments are authorized only in those cases which occur where the employee is involved in a transfer from one official station to another or is in a travel status." And it is not properly within the purview of the hardship cases outlined in General Administrative Instruction No. 19, which are related to special living allowances.

4. An almost identical situation was considered in the opinion of the Comptroller General in 16 Comp. Gen., page 64, when certain code clerks of the State Department's Foreign Service were required to work overtime at the [redacted] during periods of heavy traffic, and were required to pay for special transportation at late hours when the normal transportation was no longer in service. Despite the fact that - as the Comptroller says - "they are continually being penalized for their devotion to their duty by having to pay out of their own pockets for taxi fares to their homes whenever

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their work detained them in the Embassy until after midnight" since they were receiving no extra compensation for the overtime, reimbursement was disallowed as contrary to the provisions of section 1765, Revised Statutes, Title 31CA Sec. 70. This decision has not been overruled, modified, or distinguished. In the present case, where the employees are undoubtedly receiving compensation for their overtime, the Controller's argument against reimbursement would be even stronger. We believe, therefore, that reimbursement of such expenditures is not authorized.

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Legal Decisions ✓

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